

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

APEX TOOL GROUP, LLC,

Plaintiff,

:

Case No. 3:13-cv-372

- vs -

District Judge Timothy S. Black

Magistrate Judge Michael R. Merz

DMTCO, LLC, et al.,

Defendant.

:

**ORDER DENYING MOTIONS TO COMPEL WITHOUT PREJUDICE
AND NOTING TERMINATION OF REFERENCE**

This case is before the Court on Plaintiff's Motion to Compel (ECF No. 95) and Plaintiff's Motion for Further Relief (ECF No. 98). In an effort to resolve the discovery disputes among the parties, the Magistrate Judge set a hearing (ECF No. 105) which it then continued on Plaintiff's Motion (ECF No. 111). The continuance was indefinite because Plaintiff represented "the DMTCO Defendants' discovery abuses outlined in Apex's pending motion [ECF No. 98] can be fully addressed when considered at a hearing of a Motion for Sanctions for Spoliation of Evidence." (ECF No. 11, PageID 3180).

Accordingly, the above-referenced Motions are found to be MOOT and shall be terminated on the docket.

The Magistrate Judge further notes that the case-specific reference in this matter terminated with the discovery cut-off of June 21, 2016. (See Preliminary Pretrial Conference Order, ECF No. 17, PageID 106). Accordingly, the Clerk will terminate the reference on the docket.

August 20, 2016.

s/ *Michael R. Merz*
United States Magistrate Judge